CF152 ① ③

Single Bench

IN THE HIGH COURT OF CHHATTISHGARH JUDICATURE AT BILASPUR

M.C.C. 18/ 2004

PETITIONER/
DEFENDENT NO.1 -------- Smt. Lily Kujur, Suspended Supervisor child & woman development permanent Address – Village Girang P.O – Gholeng, Tah. & Distt. – Jashpur, Office Address Chief Executive officer, Janpad Panchayat office Bagicha, P.O. Bagicha, Distt. – Jashpur.

P.R. No. 344/04
Presented by Shri Gopi Suryavanshi
dated 31\01\04

VERSUS

RESPONDENT NO.1/
PLAINTIFF ----- Munku Ram Sarthi s/o Late S.R. Sarthi, aged about 57 years, Occu. – Service at Present Collector Jashpur, Permanent address – Village Jatri and Chakradhar Nagar Raigarh, Tah & Distt.- Raigarh (C.G.).

RESPONDENT NO.2/
DEFENDENT NO.2 ----- Uday Ram Thawait s/o Late B.R.Thawait, Aged about 62 years, Publisher & Editor through Raigarh offset Printer, Ramlila Ground Raigarh.

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RESPONDENT NO.3/
DEFENDENT NO.3 ----- Hemant Thawait s/o Uday Ram, Aged about 30 years, Incharge Editor Daily Kelo-Prawah – Raigarh offset printers, Ramlila Ground Raigarh (C.G.).

PETITION FOR TRANSFER OF THE SUIT U/S 24 (1) 5 OF C.P.C.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MCC18/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6.8.2004

Smt. Hamida Siddique, counsel for the applicant.

Shri B.D. Guru, counsel for respondent No.1 (plaintiff).

Heard both the counsel.

Learned counsel for respondent No.1 submits that he has no objection even if the suit is transferred back to Raigarh.

I have perused the comments sent by the District Judge, Jashpur and the District Judge, Raigarh. Perusal of the comments sent by the District Judge, Jashpur reveals that the said suit (C.S.No.13-B/2002) was transferred by the District Judge, Raigarh. Perusal of the comments sent by the District Judge, Raigarh, reveals that it has not been mentioned anything as to why the said civil suit was transferred to Jashpur when particularly in para 22 of the plaint it was specifically mentioned that the cause of action arose at Raigarh. Perusal of para 22 of the plaint annexed in this petition reveals that it was specifically mentioned that cause of action arose at Raigarh, therefore, the learned District Judge, Raigarh ought not to have transferred this suit to Jashpur as the cause of action had not arisen in the jurisdiction of Jashpur District.

Therefore, the perusal of the comments sent by the District Judge, Raigarh, and that of the plaint shows that the said suit was transferred from Raigarh to Jashpur under erroneous impression.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

13

आदेश पत्रक

मामला क्रमांक .... सन् 200

.... विरुद्ध ....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Moreover, counsel for respondent No.1 has no objection if the suit is sent back to Raigarh. As such, the petition is allowed. Original civil suit No.13-B/2002 now registered as C.S.No.1-B/2003 in the Court of District Judge, Jashpur is hereby transferred to the Court of District Judge, Raigarh for further proceedings and disposal. Consequently, stay granted by this Court on 5.3.2004 shall stand vacated. Parties are entitled for certified copy of this order.	

Sd/-
L.C. Bhadoo
Judge